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PATENT APPLICATION

**RESPONSE UNDER 37 CFR §1.116
EXPEDITED PROCEDURE
TECHNOLOGY CENTER ART UNIT 2857**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Brendon LILLY

Group Art Unit: 2857

Application No.: 10/501,945

Examiner: P. KIM

Filed: October 12, 2004

Docket No.: 120496

For: PERFORMANCE MONITORING SYSTEM AND METHOD

REQUEST FOR RECONSIDERATION AFTER FINAL REJECTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the December 29, 2005 Office Action, reconsideration of the rejections is respectfully requested in light of the following remarks. Claims 1-25 are pending.

Applicant notes with appreciation the allowance of claims 6 and 7 if rewritten in independent form.

I. Claim For Priority

A Claim for Priority was filed in International Application No. PCT/AU03/0077 with a certified copy of the priority document Australian Patent Application No. PS 0173, filed January 28, 2002. Therefore, it is respectfully requested that the Examiner acknowledge Applicant's claim for priority under 35 U.S.C. §119(a)-(d) or (f) and that a certified copy of the priority document was received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).